

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

JERRY BRIDGES,

PLAINTIFF

V.

NO. 4:05CV117-P-D

CHRISTOPHER EPPS,

DEFENDANT

OPINION

This *pro se* § 1983 complaint was filed on May 13, 2005. Plaintiff was set for a hearing pursuant to *Spears v. McCotter*, 766 F.2d 174 (5th Cir. 1985) on August 23, 2005, but did not appear because he refused to be transported to court. Consequently, the court on October 12, 2005, mailed a Report and Recommendation (R&R) from the Magistrate Judge Jerry Davis to plaintiff's last known address, recommending that this action be dismissed without prejudice for failure to prosecute. This has been returned with the notation "inmate refused legal mail." Since plaintiff has refused mail sent by the court, communication of the court's orders is impossible. Plaintiff's failure to accept the mail and refusal to attend a hearing ordered by the court is also indicative of a lack of interest in pursuing this complaint and constitutes a failure to prosecute within the meaning of Rule 41(b), Federal Rules of Civil Procedure. Therefore, in accordance with 41(b), it must be dismissed. A final judgment in accordance with this opinion will be entered.

THIS the 24th day of October, 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE